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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/007,641

11/06/2001

Kevin C. Hutton

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11/28/2006

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EXAMINER

LE, LINH GIANG

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/007,641	Applicant(s) HUTTON ET AL.	
	Examiner Linh-Giang Le	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09062006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. The communication is in response to the response filed 9/6/06. Claims 1-13 remain pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak (US2002/004729) in view of Kessler (US2001/0034618).
4. As per claim 1, Zak discloses a computerized, integrated emergency medical transportation database system. Zak further discloses a medical emergency database configured to store at least clinical encounter data, patient demographic data and transport data (Zak; Pg. 2; Para. 19).

Zak fails to expressly disclose having a compliance audit component in communication with the medical emergency database. However, this feature of a

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compliance audit component is well known to one of ordinary in the art as evidenced by Kessler. In particular, Kessler teaches a computer program for health care compliance (Kessler; Pg. 1, Para. 10. It would have been obvious to add this feature to Zak with the motivation of simplifying and accelerating the process of providing health care to beneficiaries and insuring reimbursement to providers by third party payors (Kessler; Pg. 1, Para. 10).

As per claim 2, Zak teaches a billing module in communication with the medical emergency database (Zak; Pg. 6, para. 94).

5. As per claims 3 and 4, Zak fails to expressly disclose the compliance audit component additionally configured to record one or more attempts to obtain missing requirement data and the compliance audit component additionally configured to apply a set of rules to determine whether the data for the current encounter is consistent with the high-risk compliance area. However, this feature of a compliance audit component is well known to one of ordinary in the art as evidenced by Kessler. In particular, Kessler teaches a computer program for health care compliance (Kessler; Pg. 1, Para. 10. It would have been obvious to add this feature to Zak with the motivation of simplifying and accelerating the process of providing health care to beneficiaries and insuring reimbursement to providers by third party payors (Kessler; Pg. 1, Para. 10).

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6. As per claim 5, Zak discloses the system additionally comprising a dispatch and demographic module in communication with the medical emergency database, the dispatch and demographic module providing data to the compliance audit component (Zak; Pg. 4, Para. 76).

7. As per claim 6, Zak discloses the dispatch and demographic module providing patient demographic data or transport data (Zak; Fig. 1).

8. As per claim 7, Zak discloses the system additionally comprising a clinical module in communication with the medical emergency database, the clinical module providing data to the compliance audit component (Zak; Fig. 1).

9. As per claim 8, Zak discloses the clinical module providing a diagnosis description and treatment description (Zak; Fig. 1).

10. Claims 9-13 repeat the limitations of claims 1-8 and the reasons for rejection are incorporated herein.

Conclusion


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh-Giang "Michelle" Le whose telephone number is 571-272-8207. The examiner can normally be reached on 8 AM - 5PM, M-F.

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12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LLe


C. LUKE GILLIGAN
Primary PATENT EXAMINER